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13 Attorneys for Defendant
14 MARK GARIBALDI dba THE GARIBALDI COMPANY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 EDITH MACIAS, individually and on
18 behalf of similarly situated individuals;
19 HOTON DURAN; TIFFANY HUYNH;
20 AURA MENDIETA; WILLIAM
21 LABOY; MIGUEL ACOSTA; CRUZ
22 ACOSTA; CUAUHTEMOC TORAL,
23 TERESA VILLEGAS, KAPIKA
24 SALAMBUE and MARINA DURAN,

25 Plaintiffs,

26 vs.

27 THOMAS J. TOMANEK; and MARK
28 GARIBALDI, individually and doing
business as THE GARIBALDI
COMPANY,

Defendants.

CASE NO. C07 3437 JSW

DEFENDANT GARIBALDI'S NOTICE
OF JOINDER AND JOINDER IN (1)
DEFENDANT TOMANEK'S MOTION
FOR DE NOVO DETERMINATION
AND (2) OBJECTIONS TO REPORT
AND RECOMMENDATIONS TO
DENY DEFENDANTS' MOTION TO
BE DECLARED PREVAILING
PARTIES AND FOR AN AWARD OF
ATTORNEYS' FEES

NOTICE IS HEREBY GIVEN to plaintiffs EDITH MACIAS, individually and on
behalf of similarly situated individuals; HOTON DURAN; TIFFANY HUYNH; AURA
MENDIETA; WILLIAM LABOY; MIGUEL ACOSTA; CRUZ ACOSTA;
CUAUHTEMOC TORAL, TERESA VILLEGAS, KAPIKA SALAMBUE and MARINA

1 DURAN, and to their attorneys of record, that Defendant MARK GARIBALDI dba THE
2 GARIBALDI COMPANY (hereinafter "Defendant") hereby joins in Defendant
3 THOMAS J. TOMANEK'S Motion for De Novo Determination, Objections to Report and
4 Recommendations to Deny Defendants' Motion to Be Declared Prevailing Parties and for
5 an Award of Attorneys' Fees.

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7 DATED: March 25, 2008

FARBSTEIN & BLACKMAN, APC



JOHN S. BLACKMAN

Attorneys for Mark Garibaldi dba
The Garibaldi Company

PROOF OF SERVICE

Macias v. Tomanek, , Mark Garibaldi, The Garibaldi Company
USDC, Northern California, Case No. C 07-3437 JSW

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 411 Borel Avenue, Suite 425, San Mateo, California 94402-3518. My electronic notification address is stf@farbstein.com. On March 25, 2008, I served the following document(s):

**DEFENDANTS MARK GARIBALDI AND THE GARIBALDI COMPANY'S
 NOTICE OF JOINDER AND JOINDER IN TOMANEK'S MOTION FOR DE NOVO
 DETERMINATION; AND JOINDER IN OBJECTIONS TO REPORT AND
 RECOMMENDATIONS TO DENY DEFENDANTS' MOTION TO BE DECLARED
 PREVAILING PARTIES AND FOR AN AWARD OF ATTORNEYS' FEES**

on the following person(s) by the method(s) indicated below:

Elizabeth Noonan Brancart, Esq. Christopher A. Brancart, Esq. Brancart & Brancart P. O. Box 686 Pescadero, CA 94060	Attorneys for plaintiffs Tel: 650-879-0141 Fax: 650-879-1103 email: cbrancart@brancart.com ebrancart@brancart.com
Sara B. Allman, Esq. Allman & Nielsen 100 Larkspur Lndg Cir #212 Larkspur, CA 94939	Attorneys for defendant Thomas J. Tomanek Tel: 415-461-2700 Fax: 1-415-461-2726 all-niel@pacbell.net
Carl D. Ciochon, Esq. Wendel Rosen Black & Dean, LLP P. O. Box 2047 Oakland, CA 94604-2047	Co-counsel for defendant Mark Garibaldi dba The Garibaldi Company Tel: (510) 834-6600 Fax: 1-510-834-1928 email: cciochon@wendel.com

[] by transmitting via facsimile on this date from fax number (650) 554-6240 the document(s) listed above to the fax number(s) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report is attached to this proof of service. Service by fax was made by agreement of the parties confirmed in writing.

[] by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at San Mateo, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.

[] by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth herein. Signed

1 proof of service by the process server or delivery service is attached to this proof of
2 service.

3 [] by personally delivering the document(s) listed above to the person(s) at the
4 address(es) set forth herein.

5 [] by placing the document(s) listed above in a sealed envelope(s) and consigning it to an
6 express mail service for guaranteed delivery on the next business day following the date
7 of consignment to the address(es) set forth herein. A copy of the consignment slip is
8 attached to this proof of service.

9 [X] by transmitting the document(s) listed above via the Court's ECF system to the persons
10 at the email address(es) set forth herein. The transmission was completed before 5:00
11 p.m. and was reported complete and without error.

12 I declare under penalty of perjury under the laws of the United States and the State of
13 California that the above is true and correct. Executed at San Mateo, California, on March
14 25, 2008.

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16 SUZANNE T. FARBSTEN
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